

Andrew Leibnitz (State Bar No. 184723)
aleibnitz@fbm.com
Brian J. Keating (State Bar No. 167951)
bkeating@fbm.com
Megan W. Howard (State Bar No. 200759)
mhoward@fbm.com
Farella Braun & Martel LLP
235 Montgomery Street, 17th Floor
San Francisco, CA 94104
Telephone: (415) 954-4400
Facsimile: (415) 954-4480

E-FILED - 8/11/09

Attorneys for Plaintiff
FORTINET, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FORTINET, INC.,

Plaintiff,

vs.

PALO ALTO NETWORKS, INC. and
PATRICK R. BROGAN,

Defendants.

Case No. CV 09-00036 RMW

**STIPULATION AND []
ORDER TO AMEND COMPLAINT**

Dept.: Courtroom 6, 4th Floor
Judge: Honorable Ronald M. Whyte

Complaint Filed: January 8, 2009
Trial Date: None set

AND RELATED COUNTERCLAIMS.

WHEREAS plaintiff Fortinet, Inc. ("Fortinet") is the assignee of U.S. Patent No. 7,519,990, issued April 21, 2009, after the Complaint in this suit was first filed;

WHEREAS defendant Palo Alto Networks, Inc. ("PAN") has recently acquired U.S. Patent No. 6,912,272; and

WHEREAS the parties desire to amend their Complaint and Counterclaims respectively solely to assert these patents;

IT IS HEREBY STIPULATED by and between the parties, through their respective counsel undersigned, that:

STIPULATION AND ORDER
TO AMEND COMPLAINT
Case No. CV 09-0036 RMW

(1) Fortinet shall have leave to file a First Amended Complaint pursuant to Federal Rule of Civil Procedure 15(a)(2) to assert the '990 Patent. Fortinet shall file its First Amended Complaint within five days of entry of this Order.

(2) Within 10 days of filing of Fortinet's First Amended Complaint, PAN shall file its Answer to Fortinet's First Amended Complaint and Supplemental Counterclaims to assert the '272 Patent.

(3) The Case Management Conference, currently set for August 21, 2009 at 10:30 a.m., is continued to October 9, 2009 at 10:30 a.m. The parties shall meet and confer pursuant to Federal Rule of Civil Procedure 26(f) by September 18, 2009 and file a Case Management Statement and complete initial disclosures or state objection in Rule 26(f) report by October 2, 2009.

Dated: August 10, 2009

FARELLA BRAUN & MARTEL LLP

By: /s/ Roderick M. Thompson
Roderick M. Thompson

Attorneys for Plaintiff
FORTINET, INC.

Dated: August 10, 2009

DURIE TANGRI LLP

By: /s/ Ragesh Tangri
Ragesh Tangri

Attorneys for Defendants
PALO ALTO NETWORKS, INC. AND
PATRICK R. BROGAN

ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Roderick M. Thompson, attest that concurrence in the filing of this document has been obtained from the other signatories. I declare under penalty of perjury under the laws of the

1 United States of America that the foregoing is true and correct. Executed this 11th day of August,
2 2009 at San Francisco, California.

3 Dated: August 10, 2009

FARELLA BRAUN & MARTEL LLP

4
5 By: /s/ Roderick M. Thompson
6 Roderick M. Thompson

7 Attorneys for Plaintiff
8 FORTINET, INC.

9 **[] ORDER**

10 Upon stipulation of the parties and good cause appearing therefore, IT IS SO ORDERED.

11 Dated: 8/11, 2009

12 
13 Hon. Ronald M. Whyte
14 United States District Judge